



**Montgomery County Fire & Rescue Service  
Division of Fire & Rescue Services**

**Office of Fire Code Enforcement**  
255 Rockville Pike 2<sup>nd</sup> floor  
Rockville, Maryland 20850  
240 777-2457

**FIRE SAFETY CODE  
ALTERNATIVE TO STRICT CODE COMPLIANCE  
(EXCEPTION REQUEST)**

**FEE: \$100.00**

**1. PRIOR TO APPLICATION:**

- A) It may be desirable to obtain the services of a fire protection consultant or contractor to help develop code conforming solutions or, when necessary, assist in the application and processing of the exception request.
- B) Discuss code conforming alternatives with the plan reviewer and/or inspectors. Solutions may exist to preclude the need for requesting any exceptions.

**2. APPLICATION PROCEDURES:**

- A) The attached form must be completed in full, and must be submitted to the Department of Permitting Services, Station 9 by 4:00 p.m. on Thursday of any week in order to be reviewed on the following Tuesday. Completing the form by inserting "see attached" is unacceptable, however continuation sheets may be used if necessary. A separate form must be used for each exception request and for each address effected.
- B) Submit any documentation (plans, calculations, violation notices, pictures, charts, etc.) with application.
- C) Indicate if an appointment to attend Tuesday's meeting is requested. Provide contact persons name and phone number. Fifteen (15) minute time slots will be allocated on Tuesday beginning at 9:00 a.m. Discussion will be limited to the exception request with minimal opportunity for consultation. A decision will not be available at the meeting.
- D) The results of your exception request will be forwarded to you in writing. You may call the Department of Permitting Services (240-777-6200) after 2:00 p.m. on Tuesday to inquire if the request was approved or denied. No explanation will be available from the administrative staff.

**3. CRITERIA FOR POSSIBLY GRANTING EXCEPTION INCLUDE:**

- A) When the structure is equipped with a non-required automatic comprehensive fire extinguishing system adequate to detect and extinguish any reasonable foreseeable fire.

- B) When the structure is equipped with any other non-required approved fire protection system or combination of systems that result in an overall level of safety, which is not less than that required by this code.
- C) When the nature of the hazards, the occupancy and the construction of an existing building results in an overall level of safety which is not less than that required by the code and when strict compliance results in extraordinary expenditures when compared with both the benefits achieved and other similar structures. This section is not to be used to defeat the intent of any code designed to upgrade minimum standards in all existing buildings.
- D) When both the director, the head of any department, or municipal employee administering a code relevant to new construction have agreed that a particular type of construction will satisfy the intent of the applicable codes.
- E) The exception must be on conditions or alternative requirements that will protect public safety, must create no right to continue, and is subject to change by the Director.
- F) Newly published or revised national standards that have not yet been adopted by the county (not all standards will be adopted).

4. ITEMS WHICH THE LAW/CODE WILL NOT ALLOW US TO CONSIDER AS JUSTIFICATION FOR EXCEPTIONS INCLUDE:

- A) Cost of meeting code requirements.
- B) Time required to meet the code.
- C) Self imposed hardships (i.e. failure to comply with plan review comments/permit requirements, loss of use due to achieving code compliance).

5. COUNTY BOARD OF APPEALS:

Any person aggrieved by an order under the Fire Safety Code may appeal within the abatement period but not to exceed Ten (10) days from such order to the County Board of Appeals pursuant to Sections 2 – 108 to 2 – 116 of the County Code. Such an appeal shall not stay execution of the order more than ten (10) days, unless the Board of Appeals shall grant further stay upon application of the person filing the appeal.

Application to the Department of Permitting Services for an exception or equivalence to the Fire Safety Code does not extend the deadline required to file with the Board of Appeals.